IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1403 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAIN MARINE SERVICES - Petitioner(s)
Versus
GUJARAT MARITIME BOARD & 2 - Respondent(s)

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Appearance :
MR BHARAT T RAO for Petitioner(s) : 1,
MR PR NANAVATI for Respondent(s) : 1 - 2.
MR YN RAVANI for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 06/07/2006

ORAL JUDGMENT

1. **RULE**. Learned advocate Mr.P.R.Nanavati waives service of rule on behalf of respondent Nos.1 and 2. Learned advocate Mr.Y.N.Ravani waives service of rule on behalf of respondent No.3.

2. In this petition, the petitioner has challenged notice/order dated 27.01.2006 issued by respondent No.2.

Mr.Bharat T.Rao, learned advocate for the petitioner, while assailing the order, submitted that one of the ground on which the order dated 27.01.2006 – Annexure-D is challenged, is that the order is passed without giving an opportunity of hearing to the petitioner.

3. Mr.P.R.Nanavati, learned advocate appearing for respondent Nos.1 and 2 could not convince this Court that the order was passed after giving an opportunity of hearing to the petitioner.

4. Besides, the learned advocate Mr.Rao submitted that in view of the representation made by the petitioner and the facts set out therein, there was no question of passing the impugned order. He submitted that even if the matter is remitted back to the authorities, there is no question of passing any such order by the authorities if the facts set out in the representation of the petitioner are taken into consideration.

5. Be that as it may, this petition can be considered and allowed only on the short ground that the order under challenge is passed without complying with the principles of natural justice.

In the event, the authority, after giving an opportunity of hearing to the petitioner passes any order which is found to be offending to the petitioner, it will be open to the petitioner to take recourse to the remedy available.

6. In view of the aforesaid discussion, the petition is allowed. Order at Annexure-D dated 27.01.2006 is quashed and set aside. IT is clarified that it will be open to the authorities to pass a fresh order, after complying with the principles of natural justice by giving full opportunity to the petitioner, either to produce the documents or represent its case by remaining personally present before the authorities. Rule is made absolute with no order as to costs.

In case of difficulty, it will be open to the petitioner to approach this Court.

(RAVI R.TRIPATHI, J.)

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